

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

MICHAEL KEYSER,

*

Plaintiff,

*

vs.

*

CASE NO. 3:12-CV-48

REGIONS BANK,

*

Defendant.

*

O R D E R

Plaintiff Michael Keyser ("Keyser") filed this action ("Keyser Action") against Defendant Regions Bank ("Regions" or "the Bank") on August 1, 2011, asserting claims for negligence, breach of contract and injunctive relief in connection with a credit line extended to Keyser by Regions.¹ Notice of Removal Ex. B, Summons & Compl., ECF No. 2-2. Before Keyser served his Complaint on Regions, Regions filed an action against Keyser ("Regions Action") related to the same credit line, alleging breach of contract. *See generally* Compl., *Regions Bank v. Keyser*, No. 3:12-CV-15 (CDL), ECF No. 1. Regions now seeks to consolidate the two actions.

Under Federal Rule of Civil Procedure 42(a), "[i]f actions before the court involve a common question of law or fact, the court may . . . consolidate the actions." Fed. R. Civ. P.

¹ Keyser filed the action in the Superior Court of Athens-Clarke County, Georgia. Regions later removed the action to this Court.

42(a). It is undisputed that the two actions before the Court involve the same parties and are related to the same credit line. It is also undisputed that the legal issues in the two actions overlap significantly; Keyser's claims in the Keyser Action are the same as or similar to his defenses in the Regions Action, and the Bank's claims in the Regions Action are the same as or similar to its defenses in the Keyser Action. The Court thus concludes that it is proper to consolidate the two actions. The Bank's Motion to Consolidate (ECF No. 12) is therefore granted. Given that the Keyser Action (3:12-CV-48) was filed first, the Regions Action (3:12-CV-15) shall be consolidated into the Keyser Action, and the claims asserted in the Bank's Complaint in the Regions Action shall be denoted as counterclaims against Keyser.²

IT IS SO ORDERED, this 19th day of July, 2012.

s/ Clay D. Land

CLAY D. LAND

UNITED STATES DISTRICT JUDGE

² Regions also asks that the claims asserted in the Regions Action be denoted against James R. Edmond as a co-defendant-in-counterclaim. The Court previously dismissed the Bank's claims against Edmond. *Regions Bank v. Keyser*, No. 3:12-CV-15 (CDL), 2012 WL 2191619, at *3 (June 14, 2012). The Bank's request regarding Edmond is therefore moot.